

Request For Reconsideration
Application No. 09/230,137

2386-1-001

Ostrup in view of Sangha. With regard to claim 1 in particular, it is alleged that Ostrup discloses all that is recited by the Applicant's claims except for a guide means having a sample deposition portion connected to a channel portion. However, Sangha allegedly discloses layer 30 onto which a sample is deposited, wherein a one-way barrier 38 leads the sample to the indicator 39 where a colored signal will denote the presences of a sufficient amount of sample. Thus, it has been concluded that a person of ordinary skill in the art would have found it obvious to use a guide means disclosed by Sangha for the sample card collection of Ostrup to alert the user of a sufficient amount of sample on the card without the use of a mechanical means such as a camera.

APPLICANT'S TRAVERSAL

With regard to claim 1, neither Ostrup or Sangha disclose a channel portion including an indicator means arranged therein and a predetermined lateral distance away from the sample deposition portion. The combination of Ostrup and Sangha clearly fails to disclose this claimed feature. Ostrup does not show any such channel portion that is a lateral distance away from the sample deposition portion. In fact, the indicator in Sangha is a radial

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distance away from a center point of the sample. As the combination of Ostrup and Sangha fails to recite the claimed channel portion, the combination of references also fails to meet the recitation in claim 1 that the excess fluid travels along the channel portion and interacts with the indicator means to indicate that the same portion has been entirely wetted by the fluid sample so as to permit excess fluid to travel along the channel portion and interact with the indicator means. The structural difference of the combination of Ostrup and Sangha (lacking a channel portion) means that one could merely place the sample off center and cause the indicator means to change color, wrongfully indicating that a sufficient sample has been obtained.

In addition, the channel portion provides a clear cut sample area that will not be contaminated by the indicator means. In contrast it is shown in figure 1 that the indicator area 49 becomes enlarged and the sample infact can become contaminated by the vegetable dye or other type of indicator pigment that is used. Thus the present invention permits improved quality over prior art such as the combination of Ostrup and Sangha.

For at least the above reasons, it is respectfully submitted that none of the present claims would have been obvious to a person

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of ordinary skill in the art over the combination of Ostrup and Sangha. It is respectfully submitted that all the remaining claims are also patentable at least for reasons of dependency upon claim 1 and/or because of a independent basis of patentability.

Accordingly, it is respectfully submitted that all grounds of rejection in the Office Action have been overcome.

Should the Examiner deem that there are any issues which may be best resolved through a telephone communication, please contact the Applicant's undersigned attorney at the telephone number listed herein below.

Respectfully submitted,



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SG/lc
Enclosure

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